IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 737 of 1996

Between:

The Management of Sona Textiles, rep.by its Proprietor Sri prakash chanda ahuja, S/o.Purushothamdas Ahuja
age 51 yrs, Occ:Business R/o. Rakab Gunj, Hyderabad

..... PETITIONER

AND

1 The Labour Court - I, rep.by its Presiding Officer Chandravihar Building, 2nd Floor, M.J.Road, Hyderabad
2 T.Somaiah S/o.T.Satyalingam
R/o.Rajendranagar, Ramanthapur,
Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the 1st respondent and issue an order, direction or writ, particularly one in the nature of writ of certiorari and quash the order passed by the 1st respondent in MP.No.288 of 1993 (Old MP.No.79 of 1991) Dt.19/09/1995 as illegal, unjust, contrary to law, perverse and without jurisdiction and pass such other order.

Counsel for the Petitioner:MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2: Mr. V. Viswanatham

The Court made the following :

ORDER:

The petitioner is the Management files this Writ Petition inter alia, seeking a Writ of Certiorari challenging the order passed in M.P.No. 288 of 1993 (old MP No. 79 of 1991) dated 19.9.1995 of the first respondent herein in pursuance of the claim made by the contesting respondent No. 2 herein under Section 33-C(2) of the Industrial Disputes Act.

There is no dispute to the fact that the second respondent was an employee with the petitioner management. However, it is the case of the second respondent that he has been wrongly retrenched and therefore, laid a claim under Section 33-C(2) of the Industrial Disputes Act for recovery of Rs. 21,500/- due to him. The said claim was contested and inter alia, that it is not the case of retrenchment but the second respondent has voluntarily left the place. After a comprehensive enquiry before the first respondent herein, wherein both sides have led evidence both oral and documentary, and on appreciation of which, the labour court has come to conclusion that the case was of retrenchment of service but not that of the respondent No. 2/PW-1 giving up the job voluntarily. Hence, allowed the claim.

Having considered the submission made across the bar and also on perusal of the material, it is seen that the findings as arrived at by the first respondent are fully in consonance with that of the grounds and also material evidence produced by

both sides and after due consideration thereof. Therefore, the finding of fact arrived at by labour court cannot be a subject matter of enquiry in a comprehensive manner by this court, in exercise of powers under Article 226 of the Constitution of India. Even otherwise, I do not find any merits in the Writ petition nor there is any material to show that the second respondent voluntarily left the services or even to show that the finding as arrived at by the first respondent is in any way perverse. Hence, the Writ Petition is dismissed. No Costs.

24.11.2004

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To

1 The Labour Court - I, rep.by its Presiding Officer Chandravihar Building, 2nd Floor, M.J.Road, Hyderabad

2. 2 CCs to G.P for Labour, High Court Buildings, High Court of A.P., Hyderabad. (OUT)

3. 2CD copies